

258 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32267-2018
Date of Decision: 28.01.2020

Sudhir @ Banty and Ors ... Petitioners
vs.
State of Haryana and Anr .. Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajesh Gupta, Advocate, for the petitioners.
Mr. Sulinder Kumar, AAG, Haryana.
Ms. Sakshi Piwal, Advocate for
Mr. Salender Mohan, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 400 dated 22.11.2011 under Sections 323/324/148/149 IPC (trial under Sections 323/324/326/506/34 IPC) registered at Police Station Baldev Nagar, District Ambala and all the subsequent proceedings arising therefrom, on the basis of compromise.

Mr. Rajbir Singh, Advocate, has appeared on behalf of Navdeep Singh (eye witness) and filed his vakalatnama.

Briefly, the aforesaid FIR No. 400 dated 22.11.2011 was registered on the allegations that the petitioners had inflicted injuries on the person of respondent No.2. As per the contents of the FIR, Navdeep Singh, is an eye witness to the occurrence and had taken respondent No.2 to the hospital.

On 31.07.2018, notice of motion was issued and parties were directed to appear before the Trial Court for getting their statements recorded with regard to the compromise.

Pursuant to above-said order dated 31.07.2018, report has been received from Additional Chief Judicial Magistrate, Ambala, the relevant portion whereof reads as under:-

“In view of the above, it is respectfully submitted that the matter has been compromised between the parties with their free will & consent and without any pressure or coercion on either side as per the aforesaid joint statements. As per statements of the accused no other case is pending between them except one case bearing FIR No.167 dated 15.04.2018, under sections 148, 149, 307, 323, 341, 365, 506, 511 IPC, P.S.Baldev Nagar, which is pending against accused Rohit Kumar and he is in custody in the said case.”

The quashing of FIR No. 400 dated 22.11.2011 has been resisted by the counsel appearing for Navdeep Singh on the score that subsequent to registration of present FIR, he has been assaulted by the petitioners and other persons regarding which two separate FIRs bearing Nos. 410 dated 08.09.2017 and 458 dated 14.12.2014 have been registered at Police Station Ambala City and Baldev Nagar, respectively.

It may be mentioned here that quashing of present FIR will not, in any manner, have any effect or bearing on the FIRs which have been registered at the instance of Navdeep Singh. It has not been disputed that in the present case i.e. FIR No. 400 dated 22.11.2011, Navdeep Singh is only an eye witness and had not sustained any injury and respondent No.2, who is the complainant and had sustained injury, has acknowledged the fact of compromise.

In view of said circumstances and following the Full Bench judgment of this Court in ***Kulwinder Singh and others Vs. State of Punjab***

and others 2007(3) R.C.R. (Criminal) 1052, the present petition is allowed and FIR No. 400 dated 22.11.2011 under Sections 323/324/148/149 IPC (trial under Sections 323/324/326/506/34 IPC) registered at Police Station Baldev Nagar, District Ambala and all the subsequent proceedings having arisen therefrom are hereby quashed qua the petitioners.

(VIVEK PURI)
JUDGE

28.01.2020

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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No